



IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

TOBIAS RUSH, )  
Plaintiff, ) Case No. 7:09CV00001  
v. )  
B. WATSON, WARDEN, ET AL., ) FINAL ORDER  
Defendant(s). ) By: Glen E. Conrad  
                  ) United States District Judge  
                  )

In accordance with the accompanying memorandum opinion, it is hereby

**ORDERED**

that this civil rights action, pursuant to 42 U.S.C. § 1983, is hereby **DISMISSED** without prejudice, pursuant to 42 U.S.C. § 1997e(a), for failure to exhaust available administrative remedies properly; plaintiff's other pending motions are **DENIED**, and this action is stricken from the active docket of the court.

ENTER: This 4<sup>th</sup> day of February, 2009.

  
\_\_\_\_\_  
United States District Judge